

REQUEST FOR QUALIFICATIONS for ENERGY MANAGEMENT SERVICES
Under Massachusetts General Laws, Chapter 25a, Section 11i

1. **Awarding Authority** (Enter Name and Address of Awarding Authority)
2. **Date** (Enter Date the Solicitation is Published)
3. **Contact** (Enter Contact Information and any other information deemed necessary for the title page)

	Page
Introduction - Request for Qualifications	1
Timeline and Contact Information	2
Section I – General Information	3
1 Purpose	3
2 Investment Grade Audit Agreement	4
3 Acceptance of the Audit	5
4 Energy Management Services Contract	5
5 Contract Responsibility	5
6 Standard Contract	5
7 Savings Guarantee	6
8 Financing	6
9 Innovative Project Funding	6
10 Experience with Renewable Energy and Green Technologies	6
11 Scoping Audit	6
12 Response Format	7
13 Required Insurance and Bonds	7
14 Taxes, Fees, Code Compliance, Licensing	7
15 References and Disclosure of Information	7
16 Cost of Responses	7
17 Use of and Information Relating to Proprietary Equipment, Controls or Services	7
18 Facility Profile	7
19 CORI Clearance Requirements	8
20 Division of Project	8
21 Inconsistent Standards	8
22 Addenda	8
Section II – Statement of Qualifications Format and Preparation Instructions	9
1 Table of Contents	9
2 Contractor Qualifications Data	9
3 Other Factors the (Awarding Authority) Shall Consider	16
Section III - Selection Criteria	18
1 Completeness	18
2 Evaluation of Responses	18
3 Final Decisions	20
Attachment 1 – Building Inventory 2008	
Attachment 2 – Energy Consumption Utility Cost Data	
Attachment 3 – Certificate by Corporation to Sign Contract	
Attachment 4 – Tax and Reporting Compliance Certification	
Attachment 5 – Foreign Corporation Certification	
Attachment 6 – Insurance Requirements	
Attachment 7 – Investment Grade Energy Audit	

Introduction—Request for Qualifications

(Awarding Authority) seeks Statements of Qualifications from qualified providers interested in implementing a comprehensive, performance-based, Energy Conservation Project¹ with guaranteed energy savings² at (Awarding Authority) buildings and facilities.

The Awarding Authority intends, pursuant to G.L. c. 25A, Sec. 11I, to select and enter into an Energy Management Services Contract with the most highly qualified provider per the evaluation criteria herein.

All respondents shall be certified by the Division of Capital Asset Management (DCAM) as eligible to provide Energy Management Services and not debarred from bidding under G.L. c. 149, Sec. 44C or any other applicable law. In addition to the other information requested herein, all responses must be accompanied by (1) a copy of a certificate of eligibility issued by the Commissioner of DCAM, and (2) by a DCAM Update Statement.³

Respondents shall submit (insert required number of copies) copies of Responses and one single-file electronic version completed according to the requirements set forth and according to the format described herein. Respondents shall be evaluated only on the criteria set forth in this Request for Qualifications (RFQ).

The Awarding Authority may cancel this RFQ, or may reject in whole or in part any and all responses if the Awarding Authority determines that cancellation or rejection is in its best interest.

Questions and Inquiries: All prospective respondents **must** (mandatory pre-bid conference is optional) attend the mandatory pre-bid conference held at (address of Awarding Authority) as discussed below. Respondents interested in attending must confirm attendance by contacting (insert contact name and information). In the email correspondence, Respondents are required to provide the number of attendees, up to three (3), and the full contact information for the key contact attending the pre-bid conference.

Questions posed verbally at the mandatory pre-bid conference must be submitted in writing to the Awarding Authority in electronic form within five (5) calendar days after the pre-bid conference. The Awarding Authority shall issue a post conference addendum reciting each question and its response. Only the information contained in that addendum shall be relied upon when submitting a proposal. Verbal exchanges during the conference will be considered informal and of no legal effect. The burden shall be on a Respondent to seek further clarification from the Awarding Authority in writing if the

¹ “Energy conservation projects”, projects to promote energy conservation, including but not limited to energy conserving modification to windows and doors; caulking and weather-stripping; insulation, automatic energy control systems; hot water systems; equipment required to operate variable steam, hydraulic and ventilating systems; plant and distribution system modifications, including replacement of burners, furnaces or boilers; devices for modifying fuel openings; electrical or mechanical furnace ignition systems; utility plant system conversions; replacement or modification of lighting fixtures; energy recovery systems; on-site electrical generation equipment using new renewable generating sources as defined in section 11F; and cogeneration systems.

² “The energy management services contract shall include a written guarantee of the qualified provider that either the amount of energy savings guaranteed shall be achieved or the qualified provider shall reimburse the state agency, local governmental body or building authority for the shortfall amount. Methods for measurement and verification of energy savings shall conform to the most recent standards established by the Federal Energy Management Program of the United States Department of Energy.”

³ Guidelines for DCAM certification: http://www.mass.gov/cam/Creform/CR_CertGuideProc_GC_AA_2008_12_04.pdf

information contained in the post-conference addendum deviates from the Respondent's intent or understanding.

Final inquiry date: All questions and inquiries concerning this RFQ should be submitted in writing no later than (insert date and time). E-mail (preferred method of contact) to: (optional: insert email address or preferred method of communication).

Inquiries **will not** be answered directly. The Awarding Authority will issue an addendum to address the written questions submitted by the aforementioned deadline. Any addenda will be posted (insert how the awarding authority plans to publish and distribute addendum, whether by web publishing, email, or registered letter). It is the responsibility of the Respondent to contact (insert contact and preferred method of communication) prior to the submittal deadline to ensure that the Respondent has received all addenda issued by the Awarding Authority.

Timeline and Contact Information

Primary Contact:

Insert name, title, and all contact information including address, phone, fax, and email.

Secondary Contact:

Optional secondary contact information

Projected Selection Timeline: Insert projected timeline.

Notification to the DOER:	(Insert date) Awarding Authorities must file a complete RFQ, including facility description and two years of energy and water consumption data one week before publishing in the Central Register.
Published in Central Register:	(Insert date)
Published in (insert name of newspaper, web site, and public posting):	(Insert date)
RFQ available:	(Insert date)
Mandatory Pre-bid Conference:	(Insert date, time, and location. Mandatory pre-bid conferences are optional.)
Final Inquiry Date:	(Insert date)
Responses Due:	(Insert date and time.)
Location:	(Insert name of contact and address.)
Anticipated Evaluation Complete:	(Insert date)
Anticipated Interviews:	(Insert date)
Anticipated Selection for Negotiations:	(Insert date)

Respondents must submit proposals that fully comply with the requirements set forth in this RFQ. In addition, alternative proposals may be offered if the respondent feels such proposals provide measureable value to the Awarding Authority; but such alternative proposals must meet the full requirements of this RFQ.

Section I – General Information

1. Purpose

The Awarding Authority seeks Statements of Qualification from qualified providers interested in implementing a comprehensive, performance-based Energy Management Services Project⁴ (“EMSP”) at (insert facilities, such as, municipal and school facilities). The Awarding Authority intends to select a qualified provider pursuant to G.L. c. 25A, §11I.

This Project will upgrade facilities and optimize utility and operating budgets through a comprehensive infrastructure renewal process. It will ensure continued and/or improved peak efficiency through proactive maintenance and service programs and training (although training is optional, it may be highly desirable to ensure proper performance of equipment) of (Awarding Authority) staff that will be customized for the (Awarding Authority) staff, buildings, and facilities. The Awarding Authority intends to leverage energy savings to fund the cost of the project to the greatest extent possible. The Awarding Authority may consider additional improvements resulting in an overall project, which is paid in part from guaranteed energy savings, to ensure a comprehensive renewal of facilities.

Objectives: The Awarding Authority intends this Project to include a comprehensive range of energy conservation measures⁵ and services including the design and installation of systems and/or maintenance programs to conserve energy and water and/or shift energy loads to on-site renewable power sources, including, without limitation, (a) performance-contracting utility-demand reduction projects, (b) innovative project financing (optional at the (Awarding Authority)’s sole discretion), (c) innovative project funding (e.g., sale of RECs or GHG credits or sale of efficiency benefits on the ISO New England Forward Capacity Market, optional at the Awarding Authority sole discretion) (d) the installation or modification of new and existing equipment to reduce energy and water consumption associated with heating, ventilation, and air conditioning system, lighting system, building envelope, domestic hot water system, and other energy and water using devices, (e) proactive maintenance and service programs and (Awarding Authority) staff training (f) a detailed Investment Grade Energy Audit⁶ with (Awarding Authority) specific information, and (g) the work associated with monitoring and verifying project savings and the study and/or design of the subject work.

Context of Project: The Awarding Authority intends to use this Project to address, meet, or exceed several of the goals, objectives, strategies, and actions identified in (insert reference to any existing energy management plan, sustainability plan, or climate protection plan) including elements:

⁴ “**Energy management services**”, a program of services, including energy audits, energy conservation measures, energy conservation projects or a combination thereof, and building maintenance and financing services, primarily intended to reduce the cost of energy and water in operating buildings, which may be paid for, in whole or in part, by cost savings attributable to a reduction in energy and water consumption which result from such services.

⁵ “**Energy conservation measures**”, measures involving modifications of maintenance and operating procedures of a building or facility and installations therein, which are designed to reduce energy consumption in such building or facility, or the installation or modification of an installation in a building or facility which is primarily intended to reduce energy consumption.

⁶ “**Energy audit**”, a determination of the energy consumption characteristics of a building or facility which: (a) identifies the type, size and rate of energy consumption of such building or facility and the major energy using systems of such building or facility; (b) determines appropriate energy conservation maintenance and operating procedures; and (c) indicates the need, if any, for the acquisition and installation of energy conservation measures or alternative energy property. An Investment Grade Audit is a bankable document.

Example items: The following items are not required, but suggestions only. However, the awarding authority should have clear idea of what they want included in the project (not a detailed scope, but a general idea of objectives).

1. Provide the Awarding Authority with energy and water efficiency upgrades at no up-front cost to the Awarding Authority and in such a way as to use the money saved through increased efficiency to increase building performance to national energy performance ratings⁷, including the installation of renewable energy projects where feasible.
2. Seek utility rebates, RET funds that facilitate the incorporation of renewable energy resources, demand resource programs, and/or grants for the renovation of schools with high performance standards.
3. Complete a structural review of the Awarding Authority's buildings to determine viability of retrofitting them with photovoltaic installation on roofs including application of any available grant funds.
4. Review maintenance and operation procedures facility use against energy saving options in each department.
5. Install integrated energy management systems for all public buildings.
6. Review energy source (e.g., electric, natural gas, or heating oil) and to identify potential alternatives for each department to use to meet (Awarding Authority) greenhouse gas emission reduction targets.

2. Investment Grade Audit Agreement

In accordance with G.L. c. 25a, Sec. 11I (g), the Awarding Authority and the selected most qualified provider (ESCO) will negotiate the scope of work for the Investment Grade Energy Audit (IGA Agreement). The successful ESCO and the Awarding Authority will enter into the IGA Agreement, which shall include, but not be limited to:

- A facilities and maintenance assessment
- A written investment quality comprehensive energy audit report for a comprehensive and sustainable conservation and renewable program
- A detailed proposed technical scope of work for construction/implementation of the ESCO's recommendations including facility improvements and maintenance and/or owner training programs
- Proposed methods of measurement and verification of guaranteed savings that conform to the most recent standards established by the Federal Energy Management Program of the United States Department of Energy.
- A proposed Guaranteed Energy Savings proposal.

⁷ The **national energy performance rating** is a type of external benchmark that helps energy managers determine how efficiently their buildings use energy, relative to similar buildings nationwide. The rating system's 1–100 scale allows everyone to understand quickly how a building is performing — a rating of 50 indicates average energy performance, while a rating of 75 or better indicates top performance.

All components of the IGA Agreement will be presented in a detailed written report (see Attachment 7), hereinafter referred to as IGA Report.

3. Acceptance of the Audit

As part of its consideration of the completed IGA Report and the recommendations/proposals of the successful ESCO, the Awarding Authority may, in its sole discretion and prior to the execution of the IGA Agreement, elect to proceed with all or any portion of the improvements proposed or recommended by the ESCO including elimination of any building and/or facility from the scope of the IGA. The Awarding Authority may also elect to proceed with certain improvements on a “phased” basis, whether over a period of months or years if it determines that proceeding with all of the selected improvements simultaneously is not in the best interests of the Awarding Authority.

4. Energy Services Management Contract

Upon completion of the IGA Report and its review and acceptance by the Awarding Authority (and any third-party agent the Awarding Authority may choose to engage to conduct a technical review of the IGA Report) the Awarding Authority anticipates that the parties will negotiate a Scope of Work for the implementation of all or a portion of the ESCO’s recommended improvements as presented in the IGA Report. Upon agreement as to the final Scope of Work, the parties will enter into an Energy Management Services Contract (“EMSC”), incorporating the negotiated Scope of Work, the Guaranteed Energy Savings requirements, the methods of measurement and verification and any operating, and maintenance and training support services, among other provisions. The EMSC shall contain provisions detailing the ESCO’s approach to implementing the accepted IGA Report, including its approach to demonstrating how the guaranteed savings are achieved. Such EMSC shall provide the ESCOs implementation and measurement strategies with respect to the construction term and the performance term.

5. Contract Responsibility

The selected ESCO shall assume total responsibility for the design and implementation of the Project as defined in the EMSC. The ESCO will be the prime contractor and the sole point of contact with regard to all contractual services, including but not limited to design, supervision, construction, installation, security, training and savings guarantee. Service and maintenance support, if required by the Awarding Authority, shall be negotiated into the EMSC or under a separate agreement for a term and scope determined by the Awarding Authority.

6. Standard Contract

The IGA Agreement and the EMSC stemming from this RFQ shall meet the requirements set forth in M.G.L. Ch. 25A Sec. 11I, and will include, at a minimum, the Awarding Authority standard contract language in its entirety as required.

7. Savings Guarantee

The guaranteed savings provision shall be fully defined in the EMSC and shall be the measured reduction in fuel, energy, water and operating or maintenance costs resulting from the implementation of the Scope of Services defined in the EMSC. Such guaranteed savings shall be determined when compared with an established baseline of previous fuel, energy, water and operating or maintenance

costs, including, but not limited to, future capital replacement expenditures avoided as a result of equipment installed or services performed pursuant to the EMSC.

The selected ESCO shall provide the Awarding Authority with a written guarantee that either the amount of energy and water savings guaranteed will be achieved on an annual basis or the ESCO shall reimburse the Awarding Authority for the full shortfall amount each year for which the shortfall exists. Methods for measurement and verification of guaranteed savings shall conform to the most recent standards established by the Federal Energy Management Program of the U.S. Department of Energy and the most recent International Performance Measurement & Verification Protocol (IPMVP).

The value of guaranteed savings may represent either all or part of annual payments at the discretion of the Awarding Authority. The overall term of the EMSC, including the performance term shall not exceed 20 years. The guarantee shall be a first party direct guarantee from the ESCO to Awarding Authority. No third-party guarantee shall be allowed, except however, corporate guarantees from a parent company of the ESCO will be considered. All savings in excess of the guaranteed savings shall be the sole property of the Awarding Authority.

8. Financing

Respondents shall include in their responses information regarding financing provided by the ESCO directly, or through a third party, however, the Awarding Authority reserves the right to secure financing from whichever source(s) the Awarding Authority determines is in its best interest.

9. Innovative Project Funding

Respondents shall include in their responses (a) information regarding all potential funding sources that could be applied to any or all potential energy management services, (b) description of the applicant's experience(s) in securing such funding, and (c) description of any new sources of funding that may have recently become available but that the respondent has not yet had experience with. Such funding sources may include, but are not limited to: utility rebates; demand response payments; grants; sale of renewable energy, carbon or air quality emissions credits; or sale of efficiency benefits on the ISO New England Forward Capacity Market. All benefits that stem from the implementation of energy management services under the EMSC and that are deemed to have a monetary or societal value shall be the sole property of the Awarding Authority.

10. Experience with Renewable Energy and Green Technologies

Respondents shall include in their responses information on their firm's past experience installing renewable energy systems (such as solar hot water, photovoltaic, wind turbines, biomass and landfill-gas to energy systems), high-efficiency power systems (such as combined heat and power systems), district energy systems (serving the Awarding Authority's residents and businesses) and green technologies (such as green roofs, rainwater reclamation, etc) .

11. Response Format

Responses shall be submitted in the format outlined in Section II of this RFQ. Each response will be reviewed to determine if it is complete. Incomplete responses will not be considered. Respondents shall use the prescribed format to indicate their experience and qualifications, describe their approach to the project, and explain their proposal. In addition, the Awarding Authority reserves the right to

waive minor irregularities and formalities in the selection of the ESCO for this project. While respondents are required to submit proposals that fully comply with the requirements set forth in this RFQ, alternative proposals may be proposed if the respondent feels such proposals provide measureable value to the Awarding Authority. Such alternative proposals must meet the requirements set forth in this RFQ.

12. Required Insurance and Bonds

The ESCO will be expected to provide the Awarding Authority with 100% payment and performance bonds for this Project from a surety company licensed to do business in the Commonwealth and whose name appears on United States Treasury Department Circular 570. The successful ESCO shall procure and maintain in effect during the life of the agreement insurance as required in the form of the IGA Agreement and the EMSC.

13. Taxes, Fees, Code Compliance, Licensing

The ESCO shall be responsible for payment of any required permits, licenses, taxes or fees associated with the execution of the EMSC. The ESCO shall be responsible for compliance with all applicable laws and regulations. If there are tax credits that Awarding Authority is not qualified for but the ESCO is, those savings will be passed on to the Awarding Authority.

14. References and Disclosure of Information

Submission of a response shall be deemed permission to the Awarding Authority to make inquiries concerning the ESCO to any persons or firms deemed appropriate by the Awarding Authority. The ESCO's submission of a response shall be deemed acknowledgement that it is familiar with the Massachusetts Public Records Law, G.L. c. 66, Sec.10 and is bound thereby. Disclosure of any information provided by any ESCO in connection with this RFQ shall be in strict accordance with the laws and regulations regarding such disclosure pursuant to G.L. 66, §10.

15. Cost of Responses

The Awarding Authority assumes no liability and will not reimburse any costs or expenses incurred by any Respondent (whether or not selected) in developing responses to this RFQ.

16. Use of and Information Relating to Proprietary Equipment, Controls, or Services

Unless no other manner of description suffices, and the Awarding Authority so approves in writing, no technical requirements and scope of work within the EMSC shall require the use of a proprietary supply or service, or procurement from a sole source. Any and all software, pass codes and other information or documents required for the operation, maintenance or upgrades of energy management systems and energy conservation measures or projects will be provided to the Awarding Authority at the time of installation at no extra charge.

17. Facility Profile

(Insert general description summary of facilities. Provide a detailed list in Attachment 1. Provide any energy assessments completed by the Commonwealth or the local utility.)

18. CORI Clearance Requirements

In accordance with G.L. c. 71, Sec. 38R, the Awarding Authority may request and obtain all available criminal offender record information (CORI) from the Criminal History Systems Board of any contractor “who may have direct and unmonitored contact with children.” As a condition of the award of any contract pursuant to this RFQ, and prior to commencement of any work, the successful ESCO shall complete and sign a Request Form to obtain CORI if, in the determination of the Awarding Authority, some or all of the employees or contractors of the ESCO “may have direct and unmonitored contact with children” during the performance of their work on school property. As required by the Awarding Authority, the ESCO shall be responsible to have all of its contractors complete and sign a Request Form to obtain CORI.

19. Division of Project

The Awarding Authority reserves the right, in its sole discretion, to select more than one qualified provider and divide the Project as the Awarding Authority determines is in its best interest.

20. Inconsistent Standards

If any requirement or standard set forth in this herein is inconsistent with any requirement or standard set forth elsewhere in this RFQ, or in any exhibit, attachment or appendix, or the IGA Agreement or EMSC, or any scope of work or specification related thereto, the requirement or standard most favorable to the Awarding Authority shall prevail.

Addenda

The (Awarding Authority) may issue addenda to the RFQ.

Section II – Statement of Qualifications Format and Preparation Instructions

Statements of Qualifications must be submitted in the format outlined in this Section. Each will be reviewed to determine if it is complete. The Awarding Authority may reject from further consideration any Response that does not follow the format or is deemed non-responsive; however, the Awarding Authority reserves the right to waive any minor irregularities or informalities, or to cancel this Request for Qualifications, or reject in whole or in part and energy savings measures, if the Awarding Authority determines that such cancellation or rejection is in the best interest of the public.

Respondents are required to submit proposals that fully comply with the requirements set forth in this RFQ. In addition, alternative proposals may also be offered if the respondent feels such proposals provide measureable value to the (Awarding Authority); but such alternative proposals must meet the full requirements of this RFQ. Please provide eight (8) copies of your response, and one single-file electronic version.

1 Table of Contents

Statements of Qualifications shall include a table of contents properly indicating the section and page numbers of the information included.

2 Contractor Qualifications Data

2.1 Minimum Required Items

- 2.1.1 Proposal completeness and adherence to format. Substantial conformity with the specifications and other conditions set forth in the request for qualifications.
- 2.1.2 References of other energy savings contracts performed by the qualified providers.
- 2.1.3 Department of Capital Asset Management (DCAM) Certificate of Eligibility (DCAM Form CQ7) and Update Statement (DCAM Form CQ3)
- 2.1.4 Quality of the products proposed
- 2.1.5 Methodology of determining energy savings
- 2.1.6 Time specified in the qualifications for the performance of the contract.
- 2.1.7 General reputation and performance capabilities of the qualified providers.

2.2 Other Required Items

- 2.2.1 Evidence of bond capability of at least five (5) million dollars from a surety company licensed to do business in the Commonwealth and whose name appears on United States Treasury Department Circular 570. Please provide the cost or fee your firm will charge for the performance and payment bonds as a percentage of the construction costs.
- 2.2.2 Form of legal entity and year entity was established.
- 2.2.3 Describe any changes in ownership status over the past ten (10) years.
- 2.2.4 Other entity names, if any.
- 2.2.5 Ultimate parent company, if applicable.
- 2.2.6 Federal Tax Identification Number for Respondent
- 2.2.7 Financial Statements. Please submit a detailed financial report prepared in accordance with generally accepted accounting principles (GAAP) reflecting the current (as of the most recent financial statement date) financial condition of the Respondent. Such

report must include a balance sheet, income statement and statement of cash flows, along with applicable footnotes, dated concurrently for at least each of the last preceding three years ending on the most recent fiscal quarter such statements were prepared. Public entities or subsidiaries should attach SEC Form 10-K along with, as applicable, detailed unaudited statements for the Submitting Entity. Non-public entities may attach either unaudited financial statements or copies of tax forms and schedules that are filed with the Internal Revenue Service where applicable.

- 2.2.8 Performance Guarantee. Describe the form of guarantee that the Respondent will be providing in respect of the Project, and its associated cost. If a corporate guarantee backstop by a parent company or credit enhancement by a financial institution is anticipated, please provide a letter from the parent company or financial institution, indicating that such credit enhancement is available, the terms of such credit enhancement and the credit rating of the guarantor.
- 2.2.9 Lawsuits and Disputes. Discuss whether your firm has ever been involved in a lawsuit or dispute regarding a performance contract. If so, please provide all such incidents and describe the circumstances and outcomes of such lawsuit or litigation. Further, please discuss whether your firm has been barred from providing performance contracting or other services in any states.

2.3 General Reputation and Performance Capabilities

- 2.3.1 Describe the general reputation and performance capabilities of the firm and explain how these characteristics translate to optimizing results for the Awarding Authority.
- 2.3.2 Provide the number of years Respondent has been engaged in providing EMSP services.
- 2.3.3 Describe the experience the Respondent has had with municipalities and public school systems, particularly in the Northeast and specifically in Massachusetts. Respondents shall demonstrate by example its experience working in facilities similar to the facilities included in this RFQ. Please list at least five (5) examples of EMSP projects in the Northeast, and if possible, specifically in Massachusetts, which included varying types of mixed-use facilities.
- 2.3.4 Provide the number of projects and aggregate dollar value of EMSP projects implemented by Respondent each year for the past five (5) years, including the value of the guarantees related to such projects and any shortfall in savings related to such projects.
- 2.3.5 Provide the number of full-time personnel employed by the Respondent. Please segment the data, as appropriate, into categories of personnel providing EMSP services, Non-EMSP Operations/Maintenance Services and Non-EMSP Equipment Installation Services.
- 2.3.6 Provide the number of full-time EMSP personnel located in any applicable local or branch office to be utilized for the (Awarding Authority)'s project, and the site address of that local or branch office.
- 2.3.7 Discuss any accreditations or pre-qualifications for EMSP work, describing the relevance or importance of such qualifications to the project.

2.4 Experience and Project References

- 2.4.1 Fully describe five (5) EMSP that Respondent has implemented within the last five (5) years.

- 2.4.2 Identify projects that involve facilities similar in type, size or scope to the Awarding Authority's facilities.
- 2.4.3 Identify projects that have been managed by individuals who Respondent anticipates will be assigned to the Awarding Authority's project. Discuss the level of technical/economic expertise of the staff. Provide resumes of the project team members and indicate which branch office each project team member is assigned. For each project team personnel, please list the current projects such employee is currently involved with and the status of the project. Please provide an organizational chart.
- 2.4.4 Provide detailed project information for all five (5) including: customer name, project dates, total project cost at proposal stage, total final project cost, projected annual energy and water cost savings from IGA, projected annual operations and maintenance cost savings, actual realized annual cost savings to date, and any annual savings shortfalls. Respondent must also indicate whether the project was completed on schedule and on budget, and if not, explain the reasons for such delay or budget noncompliance.
- 2.4.5 Provide a list of technologies implemented for each of the five (5) reference projects. For each technology, Respondents must provide the specific measurement and verification protocol implemented (FEMP Option A, B, C, D) along with the rationale Respondent used in selecting the specific FEMP Option.
- 2.4.6 Provide references for the Respondent and references for each key person proposed in the submittal to be part of the project team, including the proposed role for each such individual. Please include the names, addresses, email addresses and telephone numbers for reference. It is understood that the Awarding Authority may contact any or all of the above references regarding the project and personnel performance as part of the RFQ submittal review process.

2.5 Investment Grade Audit

- 2.5.1 Describe Respondent's general approach to conducting an IGA. Specifically, what is the process? How will the Awarding Authority be involved? Detail the level and depth of the information and resources that will be required of the Awarding Authority?
- 2.5.2 Describe Respondent's approach to the technical design of the project including the methodology Respondent normally uses to compute the baseline(s) of energy and water use, as well as the performance of improvements.
- 2.5.3 Describe the method(s) used to adjust the energy, water and O&M baseline due to such factors as weather, facility use changes and operating behavioral changes. Describe factors that would necessitate adjustment.
- 2.5.4 List all procedures, formulas and methodologies including special metering or equipment, which Respondent would use to calculate energy, water and O&M savings.
- 2.5.5 Does your firm use multiple baselines for different ECMs? If so, please discuss approach.
- 2.5.6 Discuss the frequency of baseline adjustments over the course of the ESMC, define the drivers that influence such adjustments and how frequently such data is collected.
- 2.5.7 Discuss Respondent's approach to identifying and quantifying interactivity between ECMs throughout the optimization process, specifically during the winnowing process performed in collaboration with the Awarding Authority.

- 2.5.8 Provide an example of a comprehensive IGA developed by Respondent for a project where the specific project team proposed for the (Awarding Authority) was involved and completed similar work as contemplated for this project. Provide a sample bound copy of the IGA as an attachment. This IGA must include energy and economic methodologies and engineering approaches.
- 2.5.9 Discuss Respondent's approach to relying on energy and non-energy related operational savings in the savings calculation supported by the guarantee.
- 2.5.10 Discuss Respondent's application of applying a "risk factor" to ECM-specific annual energy savings. Does Respondent's firm guarantee an annual level of savings less than the projected savings? Discuss how this "risk factor" is determined, whether it is ECM specific and if O&M activities contracted to the ESCO (rather than performed by the Awarding Authority) has any impact on such "risk factor".
- 2.5.11 Describe the procedure to assign dollar values to the savings. Include energy savings as well as maintenance or capital savings.
- 2.5.12 Provide a detailed schedule and timeline for the IGA from signed IGA Agreement to final IGA Report. Please assume a notice to proceed date for the IGA of February 1, 2009.

2.6 Construction and Commissioning

- 2.6.1 Describe protocols related to management of critical path schedule to ensure timely completion, including willingness to post liquidated damages for delays and performance shortfalls. Discuss Respondent's project management protocols to ensure schedule adherence.
- 2.6.2 Describe Respondent's reporting and client liaison protocols to be employed throughout the construction process.
- 2.6.3 Describe how Respondent would work with current building management and maintenance personnel to coordinate construction activities. Discuss in detail Respondent's protocols to avoid conflicts with the facilities' operation and use, and Respondent's conflict resolution process.
- 2.6.4 Discuss Respondent's perspective on integrating customer contractors into the ESMC. If desired by the Awarding Authority, is Respondent willing to solicit qualifications and expertise from local area contractors provided such contractors meet Respondent's requirements?
- 2.6.5 Describe standards of comfort and functionality that Respondent would propose for light levels, space temperatures, ventilation rates, etc. in the facilities. Specifically discuss the application of these standards in municipal buildings and the public school environment. Also describe how Respondent anticipates those standards would be maintained throughout the term of the ESMC.
- 2.6.6 Discuss how Respondent will ensure that the Awarding Authority is not exposed to "margin pancaking" by using specialty subcontractors (defined as those subcontractors that provide full turnkey services including engineering, design, and installation). Will Respondent reduce its overhead markup on those services provided by specialty subcontractors to mitigate against the margin pancaking issue?
- 2.6.7 Discuss the role Respondent takes in managing subcontractors. Will Respondent oversee all work performed by subcontractors, including any work performed during occupied and unoccupied times?
- 2.6.8 For any design work conducted by third-party experts, please identify whether Respondent takes engineering risk including stamping engineering submittals.

- 2.6.9 Discuss Respondent's approach to commissioning ECMs and describe any differences in commissioning Respondent employs on an ECM basis. Please provide a copy of a commissioning plan previously executed for one of the five (5) reference customers.
- 2.6.10 Discuss Respondent's approach to the timing of commissioning and training with respect to the commencement of the warranty.

2.7 Methodology of Determining and Guaranteeing Energy Savings

M.G.L. c.25A, §11I requires that methods for monitoring, measurement, and verification of guaranteed energy and water savings shall conform to the most recent Performance Measurement & Verification Protocol (IPMVP) and standards established by the Federal Energy Management Program of the U.S. Department of Energy.

- 2.7.1 Describe in detail the firm's methodology to determine energy savings and explain how this approach will minimize risk and maximize return for (Awarding Authority) over the course of up to 20 years. Include in the description, the firm's approach to verifying energy savings and addressing changes based on past experience and changes in use of municipal buildings and facilities over time.
- 2.7.2 Discuss Respondent's general approach to identifying the appropriate M&V protocol on an ECM specific basis. Please provide a listing by ECM category of the anticipated FEMP protocol for each ECM.
- 2.7.3 Describe how excess savings is documented, and how Respondent treats excess annual savings. Do excess annual savings accrue to the benefit of the Awarding Authority? *(Annual savings must stand alone in the year they are realized and cannot be carried over or credited to another year.)*
- 2.7.4 How does Respondent treat savings realized during construction? Are those savings included in the guarantee and credited to the project or are those savings treated as excess savings to the Awarding Authority?
- 2.7.5 Describe Respondent's standard measurement and verification procedures, including reporting frequency, reconciliation methods and timing.
- 2.7.6 Provide a sample measurement and verification report from one of the five reference projects together with an explanation of how Respondent demonstrated, with respect to such report, whether the guaranteed savings level was met and if not, the mechanics of how the customer would be compensated. Redacted copies protecting confidential information will be accepted.

2.8 Service and Maintenance and/or Owner Training

In your responses to the following, include a description of Respondent's experience with ensuring that equipment warranties and maintenance records are maintained and the requirements of the performance guarantee for savings is met.

- 2.8.1 Provide detailed information on any proposed training programs for Awarding Authority maintenance personnel and staff, including course content, location, and schedule.
- 2.8.2 Describe Respondent's capability to provide ongoing service and maintenance with Awarding Authority in-house personnel and with third party contractors selected by the Awarding Authority.

- 2.8.3 Provide the numbers of accessible truck based service and maintenance professionals and describe their level of training and experience.
- 2.8.4 State Respondent's general recommendations as to benefits of contracted service and maintenance vs. training of Awarding Authority personnel.

2.9 Pricing Structure

- 2.9.1 Describe Respondent's approach and preference to project pricing including: (a) Open Book/Open Book with contracted mark-ups, (b) Open Book/Closed Book/Guaranteed Maximum Price and (c) Closed Book/Guaranteed Maximum Price. Please note that the Awarding Authority will determine its final preferred approach.
- 2.9.2 For each of the pricing scenarios above, please discuss the Change Order process Respondent employs, including specifically how the pricing is developed and presented, and the risk controls the Awarding Authority should expect.
- 2.9.3 Under a Guaranteed Maximum Price contract, what level (percentage) does your firm include as a contingency to contractually eliminate any Change Orders?
- 2.9.4 Under an ESMC, will Respondent accept a ten percentage hold-back Retainage on all progress payments until final completion?
- 2.9.5 Respondents must complete the chart in Attachment A for contracted mark ups. If other categories are to be considered, please provide such additional information. Please also note that mark-ups not included by the Respondent in this response will not be considered in the development of the IGA Report, project development and the ESMC negotiations. ESCOs are encouraged to provide additional detail on mark-up categories as needed.
- 2.9.6 The Awarding Authority desires pricing for the IGA Agreement. Provide a schedule of fees for the IGA Report based on a tiered unit cost per square foot using the following tiers:
 - Under 1,000,000 total square feet
 - $1,000,001 \geq 1,250,000$ total square feet
 - $1,250,001 \geq 1,500,000$ total square feet
 - $1,500,001 \geq 2,000,000$ total square feet
 - Over 2,000,001 total square feet
- 2.9.7 Provide a fixed price break up fee for the IGA if the IGA is completed in accordance with the IGA Agreement and the Awarding Authority does not proceed with an ESMC. Please provide a fixed price break up fee for each of the tiered levels above.

2.10 Other Factors the Awarding Authority Shall Consider

- 2.10.1 **Experience with Public Buildings:** Provide specific information regarding experience and expertise with the various types and uses of buildings and facilities under consideration in this Project, including but not limited to the particular needs of public schools, public safety buildings, and historic buildings. Provide a list of public buildings in Massachusetts for which Respondent has furnished comprehensive services valued at \$500,000 or greater.
- 2.10.2 **Hazardous Materials:** Describe the services your firm will provide to identify, abate, and otherwise address hazardous materials that may be present in buildings or facilities under consideration for this Project. Materials may include but not be limited to asbestos and lead.
- 2.10.3 **Method of Record Keeping Satisfying Awarding Authority and DOER Annual Reporting Requirements:** Describe the type, method, formatting, and frequency of the Project reporting recommended and required. The selected ESCO shall provide access to records and preserve them for a period of six (6) years after final payment.
- 2.10.4 **Financing:** Describe any financing options that could be provided by the firm directly or through a third party. The Awarding Authority, however, reserves the right to secure financing from whichever source(s) the Awarding Authority determines is in its best interest.
- 2.10.5 **Innovative Project Funding:** Describe all potential funding sources that could be applied to any or all potential energy management services, including the firm's experience(s) in securing such funding, and describe any new sources of funding that may have recently become available but that the respondent has not yet had experience with. Such funding sources may include, but are not limited to, utility rebates, demand response payments, grants, sale of renewable energy or carbon credits, or sale of efficiency benefits on the ISO New England Forward Capacity Market.
- 2.10.6 **Experience with Renewable Energy and High-Efficiency Power Production:** Describe past experience installing renewable energy systems (such as solar hot water, photovoltaic, wind turbines, biomass and landfill-gas-to energy systems), high-efficiency power systems (such as combined heat and power systems), district energy systems and green technologies (such as green roofs, rainwater reclamation, etc).

3 Completeness

The Awarding Authority will review each Response prior to the selection process for completeness and adherence to format. A Response will be considered complete if all requested sections and information are included in the proper order.

4 Evaluation of Responses

A. Evaluation Process

The Awarding Authority has established a Program Evaluation Team consisting of Awarding Authority representatives to formally evaluate each Response. The evaluation process may include verification of references, confirmation of financial information and may include examination of other information as the Project Evaluation Team deems appropriate. The Project Evaluation Team will conduct interviews as required by G.L. c. 25A, Sec. 11I, and such additional interviews as it may deem

necessary to evaluate the Respondents. The Awarding Authority reserves the right to request or obtain additional information about any and all Responses.

The Program Evaluation Team shall select the three most qualified Respondents, as required by G.L. c. 25A, 11I. The Awarding Authority will enter into negotiations for an IGA Agreement with the most qualified Respondent. If the Awarding Authority and the most qualified Respondent are unable to negotiate a satisfactory contract at a price the Awarding Authority determines to be fair, competitive, and reasonable, the Awarding Authority shall continue in compliance with G.L. c. 25A, Sec. 11I.

Upon acceptance of a fully documented IGA Report, the Awarding Authority plans to enter into negotiations with the ESCO for an EMSC with a performance term up to twenty (20) years.

B. Minimum Required Items

Each of the items listed on the following table shall be marked “Y” if supplied and “N” if not supplied. RFQ responses that do not contain all items enumerated in “Minimum Required Items” as set forth below, shall be disqualified prior to further qualification review at the discretion of the Awarding Authority.

Criteria		Supplied
Minimum Required Items Under MGL c. 25A, § 11I		Y/N

- references of other energy savings contracts performed by the qualified providers;
- the certificate of eligibility and update statement provided by the qualified providers;
- quality of the products proposed;
- methodology of determining energy savings;
- general reputation and performance capabilities of the qualified providers;
- substantial conformity with the specifications and other conditions set forth in the request for qualifications;
- time specified in the qualifications for the performance of the contract; and any other factors the public agency considers reasonable and appropriate, which factors shall be made a matter of record.

Criteria		Supplied
Minimum Required Items		Y/N
2.1.1.	Proposal Completeness and Adherence to Format	Y/N
2.1.2.	Department of Capital Asset Management (DCAM) Certificate of Eligibility	Y/N
2.1.3.	Department of Capital Asset Management (DCAM) Update Statement	Y/N
2.1.4.	Debarment Statement	Y/N
2.1.5.	Evidence of Bond Capability	Y/N
2.1.6.	Form of Legal Entity	Y/N
2.1.7.	Changes in Ownership	Y/N
2.1.8.	Other Entity Names	Y/N
2.1.9.	Parent Company	Y/N
2.1.10.	Federal Tax Identification Number	Y/N
2.1.11.	Financial Statements	Y/N
2.1.12.	Form of Performance Guarantee	Y/N
2.1.13.	Lawsuits and Disputes	Y/N

C. Key Project Criteria

Respondent's submittal describes a firm:

1. Whose anticipated project team has an extensive record of highly successful performance contracting experience with facilities similar in type, size, and scope to the Awarding Authority's facilities.
2. With ample ability to properly staff such a team with the requisite skills and expertise throughout the term of the contract.
3. Who has a history of, and can describe a rational for, using specific measurement and verification protocols (FEMP Option A, B, C, D) to track the performance of specific technologies and ECMs that demonstrates a reasonable balances between risk and cost that is most advantageous to the client.
4. With a history of working smoothly with client staff to collect data necessary for successful completion of the project with the least interruption to staff's other responsibilities.
5. With extensive experience in performing Investment Grade Audits (IGAs) including establishing energy and water use baselines and baseline adjustments, identifying opportunities, estimating performance of improvements, and proposing reasonable M&V strategies.
6. Committed to completing projects while under a strong contractual incentive(s) to ensure that work is completed on time and to expected performance levels.
7. With a past history of establishing working relationships between client and Respondent that lead to smooth, timely, and full completion of projects including the audit, construction, and M&V phases.
8. Whose protocols used for working with subcontractors and whose commissioning practices resulted in smooth, timely, and full completion of past projects at fair and equitable levels of cost and risk to the client.
9. With a level of experience and understanding of M&V, including annual savings reconciliation and payment of shortfalls, that has demonstrably minimized risk and maximized return for past clients.
10. With a history of developing a balance of contracted services versus training of client staff for ongoing service and maintenance work that minimized clients costs, maximized the use of resources already available to the client, and produced quality service and maintenance programs over the term of the contract.
11. With a history of identifying creative opportunities to employ energy and water efficiency, renewable energy, and combined heat and power and/or district heating solutions to the client's advantage.
12. With a history of working with clients to identify pricing structures that minimizes risk and maximizes return for the client.
13. With a proven history of understanding client's goals and developing effective strategies to achieve them.

D. Evaluation Format

Each section or subsection of the Response will be evaluated individually for completeness and to determine the most advantageous option for the Awarding Authority. Each section has been assigned a weight, which will be applied to the category criteria to determine a final score for that criterion.

Scoring will be summarized on a Formal Evaluation Form. The Awarding Authority may adjust the scores following interviews as required by G.L. c. 25A, Sec. 11I, and such additional interviews as the Awarding Authority may deem necessary to evaluate the Respondents.

E. Weighting

RATING CATEGORY	WEIGHT
Relevant Company Experience (10,000 foot view) <ul style="list-style-type: none"> • Company-wide Experience and Capability • Local Experience and Capability • Technical Approach and Capability • Experience of Similar Projects • Record of Satisfactory Performance • Financial Soundness 	5%
Project References <ul style="list-style-type: none"> • Five (5) Relevant Complete References • Proven Success with Similar Projects in Massachusetts • Proven Success with Similar Projects in New England • Demonstration of Savings and Project Performance • Proven Success in Meeting Client Goals 	10%
Personnel Experience <ul style="list-style-type: none"> • Qualifications of Assigned Management Personnel • Qualifications of Assigned Technical Personnel • Qualifications of Assigned Construction/Site Personnel • Qualifications of Assigned Commissioning Personnel • Qualifications of M&V Staff 	20%
Project Approach <ul style="list-style-type: none"> • Comprehensiveness of Overall Proposed Approach • Comprehensiveness of Scoping Audit • Technical and Engineering Approach • Construction Management Approach • Operations and Maintenance Approach • Training Approach • Commissioning Approach 	30%
Measurement and Verification <ul style="list-style-type: none"> • Comprehensiveness of Overall Proposed M&V Approach • Demonstration of Achieving Savings Guarantees • Approach to M&V Reporting, Reconciliation and Shortfall Payment • Approach to M&V Leads to Reasonable Balance of Risk and Cost 	20%
Cost and Pricing Cost of the IGA Approach to Pricing (Open/Closed/Hybrid) Competitiveness of Markups Margin Pancaking Approach to Rebates, Incentives and Grants	15%

F. Final Decisions

The decision of the (Awarding Authority) regarding the selection of a qualified provider shall be final and, to the fullest extent allowed by law, shall not be subject to appeal except on the grounds of fraud or collusion.